

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARC REICHMANN,

Plaintiff,

- against -

**NOTICE OF
PETITION FOR
REMOVAL**

PRO PERFORMANCE SPORTS, LLC, MODELL'S N.Y. II, INC.,
MODELLS II, INC., MODELLS SPORTING GOODS, INC. and
MODELL'S SPORTING GOODS #47,

Defendants.
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C O U N S E L O R S :

PLEASE TAKE NOTICE, that on October 16, 2007, the defendant, PRO PERFORMANCE SPORTS, LLC, filed in the United States District Court for the Southern District of New York, a petition for removal of the above-captioned action from the Supreme Court of the State of New York, New York County, to the United States District Court for the Southern District of New York, a copy of which is annexed hereto.

Dated: Jericho, New York
October 15, 2007

Yours, etc.

CATALANO GALLARDO
& PETROPOULOS, LLP


DOMINGO R. GALLARDO (DRG 4197)
Attorneys for Defendant
PRO PERFORMANCE SPORTS, LLC
100 Jericho Quadrangle, Suite 214
Jericho, New York 11753
(516) 931-1800
File No. 40-623

To: The Law Firm of Allen L. Rothenberg
Attorney(s) for Plaintiff
MARC REICHMANN
450 Seventh Avenue – Eleventh Floor
New York, New York 10123
(212) 563-0100

Clerk of the Court
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Clerk of the Court
Supreme Court , New York County
60 Centre Street
New York, New York
(Index No. 112256/07)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) SS:
COUNTY OF NASSAU)

PATRICIA NUGENT, being duly sworn, deposes and says that deponent is over 18 years of age, resides in Suffolk County, New York and deponent is not a party to the action.

That on the 15th day of October, 2007 deponent served the within **NOTICE OF PETITION FOR REMOVAL AND PETITION** upon:

The Law Firm of Allen L. Rothenberg
Attorney(s) for Plaintiff
MARC REICHMANN
450 Seventh Avenue – Eleventh Floor
New York, New York 10123
(212) 563-0100

Clerk of the Court
Supreme Court , New York County
60 Centre Street
New York, New York
(Index No. 112256/07)

the attorneys for the respective parties in this action, at the above addresses designated by said attorneys for that purpose by depositing same enclosed in a postpaid, properly addressed wrapper, to its last known place of business, in an official depository of the United States Postal Service in New York State.



PATRICIA NUGENT

Sworn to before me this
15th day of October, 2007



Notary Public

James P. Connors
Notary Public – State of New York
No. 02CO6102440
Qualified in Nassau County
My Commission Expires Dec. 8, 2007

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) SS:
COUNTY OF NASSAU)

PATRICIA NUGENT, being duly sworn, deposes and says that deponent is over 18 years of age, resides in Suffolk County, New York and deponent is not a party to the action.

That on the 17th day of October, 2007 deponent served the within **NOTICE OF PETITION and PETITION** upon:

Modell's NY II, Inc.
c/o National Registered Agents, Inc.
160 Greentree Drive
Suite 101
Dover, Delaware

the attorneys for the respective parties in this action, at the above addresses designated by said attorneys for that purpose by depositing same enclosed in a postpaid, properly addressed wrapper, to its last known place of business, in an official depository of the United States Postal Service in New York State.



PATRICIA NUGENT

Sworn to before me this
17th day of October, 2007



Notary Public

James P. Connors
Notary Public – State of New York
No. 02CO6102440
Qualified in Nassau County
My Commission Expires Dec. 8, 2007